

Exhibit 4

Exhibit 4:

Preemption Bases for PHEAA's Motion to Dismiss the Consolidated Amended Class Action Complaint

<u>Section V.B.</u>				
The Court should dismiss Plaintiffs' state-law claims as preempted by the HEA.				
		Omission-based Claims Expressly Preempted	Misrepresentation- based Claims Expressly Preempted	Conflict Preemption
Argument Section		V.B.2.a	V.B.2.b	V.B.3
Count	Paragraph			
Count 9 – Breach of Fiduciary Duty	671		●	●
Count 10 - Constructive Fraud	679.a	●	●	●
	679.b		●	●
	679.c	●	●	●
	679.d	●	●	●
	679.e	●	●	●
	679.f	●	●	●
Count 12 – Negligence	716.g		●	●
	716.h		●	●
	716.i	●	●	●
	716.j	●	●	●
	716.k			●
	716.l			●
	716.m			●

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		Omission-based Claims Expressly Preempted	Misrepresentation- based Claims Expressly Preempted	Conflict Preemption
Argument Section		V.B.2.a	V.B.2.b	V.B.3
Count	Paragraph			
	716.n			•
	716.o	•	•	•
	716.p			•
Count 13 – Negligence <i>per se</i>	726			•
	742	•	•	•
Count 14 – Negligent Misrepresentation	749		•	•
Counts 15-28 – State Consumer Protection Statutes	C and F of ¶¶ 761, 775, 791, 807, 824, 840, 857, 872, 887, 902, 917, 932, 939, 956	•	•	•